IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 1959 of 2005

Between:

Nomineni Govardhana Babu, s/o N.Ramanjula Naidu,
10-62 of Kamma Street Pakala, Chittoor District.

..... PETITIONER

AND

1. The Executive Engineer, Roads & Buildings, Tirupathi, Chittoor District.
2 The Engineer in Chief, Roads and Buildings, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a *Writ of Certiorari* calling for all the connected records including the impugned order of the first respondent in Pro.No.121/AMC/A1/2004 dated 17.12.2004 and quash the same as illegal, improper, unjust, arbitrary and contrary to law and further declare the tender notification in CT.No.8/HD/2004-05 dated 20-1-2005 as illegal, arbitrary and contrary to law.

Counsel for the Petitioner: MR.K.G.KRISHNA MURTHY

Counsel for the Respondents: GP FOR ROADS & BUILDINGS

The Court made the following:

ORDER:

Challenging the action of the first respondent in issuing the impugned proceedings No.121/AMC/A1/2004, dated 17.12.2004 in terminating the work

conducted by the writ petitioner, the present writ petition is filed.

2. As per the provisions of Rule 60 of A.P. Standard Specifications and General Principles of Engineers Contracts, against the impugned proceedings an appeal lies to the higher authority beyond the Executive Engineer. The Chief Engineer is the higher authority. Admittedly, against the impugned proceedings, an appeal said to have been filed by the petitioner before the Chief Engineer is still pending. Therefore, the Chief Engineer after taking into consideration of the representation of the petitioner has to pass appropriate orders in the appeal in accordance with law.

3. Under the above circumstances, without going into the merits of the case, the writ petition is disposed of with a direction to the Chief Engineer to consider the appeal pending before him, taking into consideration of the representation of the petitioner, and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

_____

(K.C. BHANU, J)

Date: 09.02.2005

Note: Issue C.C. by tomorrow

B.O.

Ksn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Executive Engineer, Roads & Buildings,

Tirupathi, Chittoor District.

2. The Engineer in Chief, Roads and Buildings, Hyderabad.

3. Two C. Cs to G.P. for Roads & Buildings, High Court Buildings,

Hyderabad (OUT).

4. Two C.D. copies

*Form-NIC-OGS/WP{**RS**}*